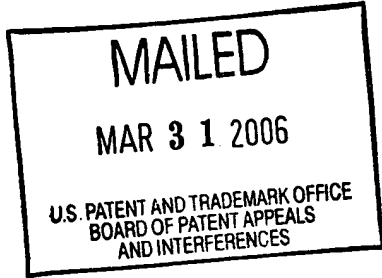The opinion in support of the decision being entered today was <u>not</u>
written for publication in a law journal and is <u>not</u> binding precedent
of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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Ex parte HARI KALVA and ALEXANDROS ELEFTHERIADIS

_____

Appeal No. 2005-2469
Application No. 09/240,509

_____

ON BRIEF

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Before GROSS, LEVY, and SAADAT, *Administrative Patent Judges*.

GROSS, *Administrative Patent Judge*.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final

rejection of claims 1 through 14, which are all of the claims

pending in this application.

Appellants' invention relates to a method for communicating

command information between a server and a client across a

network in an interactive communication system. Claim 1 is

illustrative of the claimed invention, and it reads as follows:

1. A method for communicating command information between
a server and a client across a network in an interactive
communication system, comprising the steps of:

generating a command message including a command, a command descriptor, and one of a server route for directly associating a node with the command descriptor and a command node for indirectly associating a node with the command descriptor; and

transmitting the command message across a network upon occurrence of a triggering event.

The prior art references of record relied upon by the examiner in rejecting the appealed claims are:

Daniel J. Woods et al., "Wired For Speed: Efficient Routes in VRML 2.0," Silicon Graphics, VRML 97, Monterey, CA 1997, pp. 133-38. (Woods)

D7.2 Review of VRML and WWW Techniques, ACTS Project N. AC040, COVEN-Collaborative virtual environments, pp. 1-33. (Coven)

Claims 1 through 14 stand rejected under 35 U.S.C. § 103 as being unpatentable over Woods in view of Coven.

Reference is made to the Examiner's Answer (mailed October 21, 2004) for the examiner's complete reasoning in support of the rejections, and to appellants' Brief (filed July 2, 2004) and Reply Brief (filed December 28, 2004) for appellants' arguments thereagainst.

OPINION

We have carefully considered the claims, the applied prior art references, and the respective positions articulated by

appellants and the examiner. As a consequence of our review, we will reverse the obviousness rejection of claims 1 through 14.

Appellants assert (Brief, page 5) that the target of Woods' route is another node for a scene, not a command descriptor. Appellants continue, "Unlike a node, which is internal to a scene that has been downloaded to a single computer, a command descriptor comprises information to be transmitted back to a server computer upon the occurrence of an associated event." The examiner responds (Answer, page 6, with a similar statement on page 8) that the claims do not recite "a command comprises information to be transmitted back to the server computer upon the occurrence of an associated event" or "a route which targets a command descriptor." Further, the examiner asserts (Answer, page 7) that the client server model recited in the preamble has no corresponding structure in the body of the claim and (Answer, page 8) that "a method for communicating command information between a server and a client across a network in an interactive communication system" is intended use.

However, appellants in their specification (pages 2 and 8) define command descriptor, which is recited in the body of claims 1 and 8, as containing a command that will be transmitted back to the server when an associated event is triggered. Thus, the

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recitation of a command and a command descriptor in claims 1 and
8 includes, by definition, a command comprising information to be
transmitted back to the server computer upon the occurrence of an
associated event. Further, claims 1 and 8 recite that the server
route "associat[es] a node with the command descriptor." Thus,
the claimed route targets a command descriptor. Further the
client server model and communicating across a network recited in
the preamble have corresponding structure in the body of the
claim by virtue of the recited command descriptor and server
route, as well as the step of transmitting the command message
across a network.

Appellants explain (Brief, page 6) that Coven discloses
hypothetical VRML-based solutions for providing multi-user
support, but fails to "render obvious the client-server based
architecture described in the Application." Appellants conclude
that the combination of Woods and Coven, therefore, does not
suggest the client server architecture described in claims 1 and
8. The examiner asserts (Answer, page 6) that Coven "teaches a
server route for associating a node with the command descriptor
on Fig. 4.2 of page 20," and that "MFString url" "contains a URL
to command the command descriptor to a server." The examiner
concludes that the prior art teacher a server route for

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associating a node with a command descriptor. Further, the

examiner (Answer, page 7) states that Woods' "VRML 2.0 supports

(client server modeling such as) a pull model in which messages

are not sent until the recipient request data" and thus teaches

the preamble's structure. The examiner (Answer, page 7) also

refers to Coven's section 4.2.3 as disclosing a client server

environment.

Appellants respond (Reply Brief, page 3), asserting that

Woods

> which focuses on transmission of messages *locally*
> (i.e., on the same computer), necessarily fail[s] to
> disclose or suggest at least "generating a command
> message including a command, a *command descriptor*, and
> one of a *server route* for directly associating a node
> with the command descriptor and a command node for
> indirectly associating a node with the command
> descriptor," and "transmitting the command message
> *across a network* upon occurrence of a triggering
> event."

Appellants explain (Brief, page 9) that Woods discloses a VRML

scene that runs on a single machine. Thus, Woods fails to

disclose or suggest a client server model, or communicating

between a server and a client, as recited in claims 1 and 8.

Appellants add (Brief, page 10) that Coven likewise discloses

VRML-based approach and, therefore, also does not disclose

appellants' client server architecture.

We have reviewed the sections of Coven and Woods relied upon by the examiner, and we find no suggestion of a client server architecture. The examiner has made conclusions referring to sections of the references without clearly pointing out what elements (or steps) in the references correspond to the claimed elements (or steps). Accordingly, we find that the examiner has failed to establish a prima facie case of obviousness, and we cannot sustain the rejection of claims 1 and 8, nor the claims which depend therefrom, claims 2 through 7 and 9 through 14.

CONCLUSION

The decision of the examiner rejecting claims 1 through 14 under 35 U.S.C. § 103 is reversed.

REVERSED

ANITA PELLMAN GROSS)
Administrative Patent Judge)
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)
) BOARD OF PATENT
STUART S. LEVY) APPEALS
Administrative Patent Judge) AND
) INTERFERENCES
)
)
MAHSHID D. SAADAT)
Administrative Patent Judge)

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